

CHARLES R. MESSER (State Bar No. 101094)
 messerc@cmtlaw.com
 MICHAEL P. LAVIGNE (State Bar No. 216538)
 lavignem@cmtlaw.com
 CARLSON & MESSER LLP
 5959 W. Century Boulevard, Suite 1214
 Los Angeles, California 90045
 (310) 242-2200 Telephone
 (310) 242-2222 Facsimile
 kaminskid@cmtlaw.com
 Attorneys for Defendants,
 ERICA L. BRACHFELD and ERICA L. BRACHFELD,
 A.P.C. erroneously sued as LAW OFFICES OF
 BRACHFELD & ASSOCIATES, P.C.

UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

| | | |
|----------------------------|---|---|
| MERCY MESIANO, |) | CASE NO. 09 CV 1046 MMA BLM |
| |) | |
| Plaintiff, |) | JOINT MOTION TO CONTINUE |
| |) | FEBRUARY 2, 2010 MANDATORY |
| vs. |) | SETTLEMENT CONFERENCE |
| |) | |
| ERICA L. BRACHFELD AND LAW |) | |
| OFFICES OF BRACHFELD & |) | |
| ASSOCIATES, P.C. |) | Date: February 2, 2010 |
| |) | Time: 1:30 p.m. |
| Defendants. |) | Dept.: 5 |
| |) | Magistrate Judge: Barbara L. Major |
| |) | |
| |) | |

Plaintiff MERCY MESIANO ("Plaintiff") and Defendants ERICA L. BRACHFELD and ERICA L. BRACHFELD, A.P.C. ("Defendants") hereby move this Court for an Order continuing the Mandatory Settlement Conference scheduled for February 2, 2010 at 1:30 p.m. in the chambers of the United States Magistrate Judge Barbara L. Major, Courtroom 5, 940 Front Street, San Diego, California.

This application is made on the ground that Plaintiff recently filed a motion for leave to file a first amended complaint naming three additional defendants, LVNV Funding, Resurgent, and NCO. Defendants have stipulated to the filing of the First Amended Complaint. The parties agree

1 that the Mandatory Settlement Conference set for February 2, 2010 at 1:30 p.m. should be
2 continued to allow for the meaningful participation of these new parties at the settlement
3 conference.

4 The Mandatory Settlement Conference in this action has been continued once before. On
5 December 15, 2009, the Court continued the Mandatory Settlement Conference which had been set
6 for December 18, 2009 in order to allow plaintiff to take the deposition of defendant Erica
7 Brachfeld. This deposition went forward on January 5, 2010 pursuant to this Court's order.
8 Plaintiff's first amended complaint is based on information plaintiff learned at that deposition.

9 The parties anticipate that a settlement conference with the participation of all interested
10 parties could take place as early as mid-April 2010.

11 Respectfully submitted,

12 DATED: January 19, 2010

CARLSON & MESSER LLP

13
14 By /s/ Michael P. Lavigne
15 Charles R. Messer
16 Michael P. Lavigne
17 Attorneys for Defendants,
ERICA L. BRACHFELD, A.P.C. and ERICA L.
BRACHFELD

18 DATED: January 19, 2010

HYDE & SWIGART

19
20 By /s/ Joshua B. Swigart
21 Joshua B. Swigart
22 Attorneys for Plaintiff,
23 MERCY MESIANO
24
25
26
27
28

PROOF OF SERVICE ELECTRONICALLY
MERCY MESIANO v. ERICA L. BRACHFELD, ET AL.
Case No. 09 CV 1046 MMA BLM

I am employed in the County of Los Angeles State of California. I am over the age of 18 and not a party to the within action. My e-mail address is nashd@cmtlaw.com. My business address is 5959 W. Century Blvd., Suite 1214, Los Angeles, California 90045.

On January 19, 2010, I caused to be served, as ordered by the court, through Pacer CM/ECF, the document(s) described as: ***Joint Motion to Continue Mandatory Settlement Conference*** on the interested parties in this action by serving a true copy thereof through the electronic system of Pacer CM/ECF, on the parties contained with the Pacer CM/ECF system as required and maintained by court order.

[X] (BY ELECTRONIC SERVICE) I caused such document(s) to be Electronically served through the Pacer CM/ECF system for the above-entitled case. Upon completion of transmission of said document(s), a service receipt is issued to the filing/serving party acknowledging receipt and service by Pacer CM/ECF's system. A copy of the Pacer CM/ECF service receipt page will be maintained with the original document(s) in our office.

Executed on January 19, 2010, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Deborah A. Nash
(Type or print name)

(Signature)

SERVICE LIST

Mercy Mesiano v. Erica L. Brachfeld, et al.
Our File No. 05968.00

Joshua B. Swigart, Esq.
Tiffany G. Jensen, Esq.
HYDE & SWIGART
411 Camino Del Rio South
Suite 301
San Diego, CA 92108-3551
Tele: (619) 233-7770
Fax: (619) 297-1022

1 Attorneys for Plaintiff,
2 MERCY MESIANO

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28